

REMARKS

In the application claims 1-27 remain pending. No claims have been withdrawn and no claims have been added. The pending claims presently stand rejected. The reconsideration of the rejection of the claims is respectfully requested.

In the Office Action, claims 1, 3, 5-6, 11, and 12 were rejected under 35 U.S.C. § 103 as being rendered obvious by Amro (U.S. Patent No. 6,507,762) as modified by Ilan (U.S. Patent No. 6,335,726); claim 2 was rejected under 35 U.S.C. § 103 as being rendered obvious by Amro as modified by Ilan as further modified by Kolawa (U.S. Patent No. 6,236,974); claim 4 was rejected under 35 U.S.C. § 103 as being rendered obvious by Amro as modified by Ilan as further modified by Morris (U.S. Patent No. 6,353,848); claims 7-8, 10, 13-14, 16-17, 23, 25, and 27 were rejected under 35 U.S.C. § 103 as being rendered obvious by Allport (U.S. Patent No. 6,104,334) as modified by Ilan; claims 9, 15, and 26 were rejected under 35 U.S.C. § 103 as being rendered obvious by Allport as modified by Ilan as further modified by Ketcham; claim 18 was rejected under 35 U.S.C. § 103 as being rendered obvious by Allport as modified by Ilan as further modified by Kolawa; and claims 19-22 and 24 were rejected under 35 U.S.C. § 103 as being rendered obvious by Allport as modified by Ilan as further modified by Amro.

In rejecting the claims, the Office Action acknowledged that Amro fails to disclose an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. The Office Action then asserted that Ilan teaches "recognition unit (item 54 in Figs. 3A-3C) of consumer appliance and remote control (See Figs. 3A-3C, items 40, 42, 44, Col. 3, Lines 41-44) for providing alphabetical instruction (See Col. 4, lines 49-51) from instruction library (item 58 in Fig. 2) with a multiplicity of machine instructions, provided

to appliance to cause a desired action to occur (See Col. 3, Lines 57-64).” Thus, the Office Action concluded that “it would have been obvious to one of ordinary skill in the art at the time of the invention to display alphabetic instruction how to operate consumer appliance as shown by Ilan et. al. in Amro et al. apparatus and method to interact with one or more controls of the consumer appliance in order to provide human-readable instructions in remote control unit (See Col. 4, Lines 49-51).”

Similarly, the Office Action acknowledged that Allport does not show an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. However, the Office Action again asserted that Ilan teaches “recognition unit (item 54 in Figs. 3A-3C) of consumer appliance and remote control (See Figs. 3A-3C, items 40, 42, 44, Col. 3, Lines 41-44) for providing alphabetical instruction (See Col. 4, lines 49-51) from instruction library (item 58 in Fig. 2) with a multiplicity of machine instructions, provided to appliance to cause a desired action to occur (See Col. 3, Lines 57-64).” Thus, the Office Action likewise concluded that “it would have been obvious to one of ordinary skill in the art at the time of the invention to display alphabetic instruction how to operate consumer appliance as shown by Ilan et. al. in Allport apparatus and method to interact with one or more controls of the consumer appliance in order to provide human-readable instructions in remote control unit (See Col. 4, Lines 49-51).”

In response to these rejections of the claims, it is respectfully submitted that the cited references fail to render the pending claims obvious. Specifically, it is submitted that the art of record cannot be said to disclose, teach, or suggest each and every element – considering each and every word - that is now recited in the claims as is required to maintain a rejection under 35

U.S.C. § 103. It is further submitted that the art of record also fails to provide any motivation that can be said to suggest the desirability of combining elements in a manner that could be said to render the claims obvious under 35 U.S.C. § 103. In this regard, it is noted that, when combining elements, it is impermissible to use the disclosure of the subject application as a template for the purpose of piecing together various elements of the prior art with the aim of demonstrating the obviousness of the claimed invention. Rather, the teaching and suggestion must come from the references themselves.

The claimed invention is directed to a hand-held device that is adapted to display a representation of an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. That this is not disclosed, taught, or suggest by either Amro or Allport has been acknowledged in the Office Action. It is further submitted that Ilan cannot be said to disclose, teach, or suggest modifying either Amro or Allport to include this feature of the claimed invention.

Turning to Ilan, Ilan discloses an instruction and/or identification unit which utilizes a touchpad pointing device as the input unit for receiving instructions and/or identification patterns. To this end, the touchpad receives an input pattern from a user and the instruction library stores a multiplicity of operating instruction patterns. Each operating instruction pattern has an operating instruction associated therewith. A recognizer detects which of the multiplicity of operating instruction patterns the input pattern most closely matches and provides the operating instruction pattern to the machine.

More specifically, once a user draws a pattern on touchpad 50, which user drawn input pattern may be optionally viewed on display 52, touchpad 50 provides the input pattern to

recognizer 56 which attempts to match the input pattern to one of the instruction patterns stored in instruction library 58. Recognizer 56 then provides the instruction associated with the matched instruction pattern to machine operating unit 59, thereby to command an operation of the machine or to provide the machine with operation information. (See Col. 4, lines 5-14). By way of example, Ilan describes a user writing the letter “C” on touchpad 50 may be used as an input instruction for microwave oven 40, the instruction pattern being associated with the instruction “Cook.” Ilan further describes that another *alphabetical, input instruction pattern* might be the letter “T” associated with the command “Time.” (See Col. 4, lines 14-40).

With respect to the passage cited to in the Office Action, this passage merely describes that a remote control unit 44 may be provided with the previously described instruction input unit 30 (shown as the separate touchpad 50, optional display 52 – which displays the user drawn input pattern – and recognition unit 54) to thereby replace most, if not all, of the many buttons on prior art remote control units. The passage further notes that the instruction input unit 30 may be utilized to receive the previously described *alphabetical, input instruction patterns*. (See Col. 4, lines 41-51).

Thus, from the fair and full consideration of Ilan, it is evident that Ilan does not disclose, teach, or suggest the modification of either Amro or Allport to include the displaying of an electronic document comprising human-readable information in a form for instructing a consumer how to interact with one or more controls of the consumer appliance for the purpose of operating the consumer appliance. Rather than “display alphabetic instruction how to operate consumer appliance” as asserted in the Office Action, Ilan describes a system wherein a user utilizes a touchpad to provide alphabetical, input instruction patterns, which user entered input may be reflected in a display, to cause the transmission of commands to an appliance. What may

be optionally displayed on the optional display of Ilan is not a representation of an electronic document. What is displayed on the optional display of Ilan is not retrieved from memory. What is displayed on the optional display of Ilan is not alphabetical instructions retrieved from an instruction library 58. Thus, “to gain knowledge” on how to interact with the Ilan touchpad, i.e., to know what alphabetical input patterns are required to control an appliance in an intended manner, a consumer of the Ilan system would be required to find a printed user manual (or use trial and error). Therefore, the system of Ilan suffers the very disadvantages the presently claimed invention seeks to overcome and for at least this reason, the rejection of the claims under 35 U.S.C. § 103 must be withdrawn – i.e., by demonstrating the deficiencies of Ilan, the applicants have shown that Ilan cannot be said to suggest the modification of either Amro or Allport to arrive at the invention claimed.

With respect to the rejection of claims 2 and 18, it is respectfully noted that Kolowa fails to disclose, teach, or suggest an appliance having stored thereon a recipe or transmitting a recipe from the appliance to a hand-held device. Rather, Kolowa discloses a computer that is mounted to a kitchen counter, cupboard, or appliance (such as a refrigerator) where the recipe may be presented to a user on a display of the computer. Accordingly, it is submitted that Kolowa also fails to provide the teachings or suggestions required to modify either Amro or Allport to arrive at the invention claimed. Again, by noting the deficiencies of Kolowa, e.g., the lack of suggestion to modify Amro or Allport, the applicants have shown that the combination set forth in the Office Action cannot be said to be a proper combination and have thus demonstrated non-obviousness.

Similarly, with respect to the rejection of claim 4, it is respectfully submitted that Morris fails to disclose, teach, or suggest an appliance having stored thereon an electronic document

comprising human-readable information in a form for instructing a consumer how to interact with controls of the consumer appliance for the purpose of operating the consumer appliance or transmitting such an electronic document to a hand-held device. Rather, Morris discloses no more than a system for using a network to access digital images stored in a digital device such as a digital camera. Accordingly, it is submitted that Morris additionally fails to provide the teachings or suggestions required to modify Amro to arrive at the invention claimed – i.e., since Amro fails to contemplate the use of HTML and Morris fails to contemplate using HTML to represent an instruction document storable on an appliance, it is submitted that the “motivation” to combine the elements of the references as set forth in the Office Action could only have been arrived at from the impermissible use of the disclosure of the applicants. Again, by noting the deficiencies of Morris, e.g., the lack of suggestion to modify Amro, applicants have shown that the combination set forth in the Office Action cannot be said to be a proper combination and have thus demonstrated non-obviousness.

CONCLUSION

The Office Action has been carefully reviewed and a prima facie case of obviousness has not been established. In this regard, the cited references – when combined – fail to disclose each and every element set forth in the claims at issue. Furthermore, to the extent that the Office Action has picked elements from the various references, the Office Action has failed to cite any passages from those references that might be said to teach or suggest the desirability of the espoused combinations. Rather, the Office Action has only set forth unsupported “motivations” for combining the various references which “motivations” could only have been arrived at by reading the disclosure of the applicants. In other words, the rejections of the claims clearly

demonstrate the impermissible use of the disclosure of the applicants as a template to piece together various elements of the art of record.

Since a prima facie case of obviousness has not been established, it is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested.

Respectfully Submitted;

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